Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.----------

IN THE
SUPREME COURT OF THE UNITED STATES

SERAFINO F. VELARDI,
Petitioner,

v.

NEW YORK CITY FIRE DEPARTMENT
PENSION FUND,
Respondents.

On Petition For Writ Of Certiorari To The
United States Second Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

SERAFINO F. VELARDI
Petitioner, pro se
315 S.E. Oakridge Drive
Port St. Lucie, Fl. 34984
Tel# 561-340-4860

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I

QUESTIONS PRESENTED

Did the United States Second Circuit Court of Appeals reverse themselves in the Velardi case, when they affirmed the District Court's decision, that the Americans With Disabilities Act is not retroactive?

This decision by the Second Circuit Court of Appeals conflicts with their earlier ruling in a similar case involving the same important matter. Where a noted exception was acknowledged in the "Howie" case, docket number 96-9008, November 21, 1997. (Note exhibit " A " for details)

Was plaintiff-appellant's constitutional guarantee of equal protection under the law violated when plaintiff was not given the right to respond to the charge of giving a false retirement date before the District Court's Memorandum Opinion was rendered?

Was plaintiff denied equal protection under the law when plaintiff's motion for summary judgment in 1995 and again in 1998 were never controverted by the defendant-appellee or even noted by the District Court?

LIST OF PARTIES

All parties for the New York City Government are represented by the Corporation Counsel of the City of New York, MICHAEL D. HESS, Law Department, 100 Church Street, New York, New York 10007. Telephone No. (212) 788-1041 or 1055.

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OPINIONS BELOW

Exhibit " B " pages App.7 through App. 13 is the District Court's Memorandum Opinion in the Velardi v. NYCFD Pension Fund, docket number 95 Civ. 4548(LAK), September 18, 1998.

In such Memorandum Opinion plaintiff is accused of giving a false retirement date. Plaintiff was not given any opportunity to answer such a serious charge. There was no mentioning of any false statement in any previous oral arguments or in any documents from the Court. Every person under the law should be given the right to defend themselves, before judgment is given.

There was no false retirement date given by plaintiff. It is incredible to conclude from the plaintiff's questionnaire in 1995, when no retirement date was asked for on such questionnaire, to conclude that the September 15, 1992 date was plaintiff's retirement date. Such date was to show the Court that plaintiff first filed a complaint with the Equal Employment Opportunity Commission (EEOC) on September 15, 1992.

The District Court accused plaintiff of not informing the Court in the early stages of litigation, as to the retirement date. The Court did not examine plaintiff's Exhibit " A " in June 1996, that was made a part of the Court record, which clearly noted the retirement date.

The Court continually accused plaintiff of having an option on retirement, when defendant's own expert stated in affidavit of August 18, 1998, where Deputy Commissioner David Clinton of the Legal Affairs Department, noted - - - - - -

> (" It is my understanding that a policy was in force in the FDPF (Fire Dept. Pension Fund) in the early- and mid-1970's that precluded a firefighter with more than twenty years of service from retiring "for service" after having filed for ADR (Accidental Disability Retirement) or ODR (Ordinary Disability Retirement) and having been found disabled by the 1-B Medical Board.")

The District Court failed to rule on plaintiff's motion for summary judgment in 1995 and also in 1998. The defendant never controverted such motions for summary judgment, which should in itself be Court accepted.

The District Court fails to accept the Second Circuit Court of Appeals acknowledgement of an exception to the ADA not being retroactive, as noted in the "Howie" case. Note Exhibit " A " App. 1 through App. 7 for details.

The United States Second Circuit Court of Appeals affirmed the District court's Memorandum Opinion on June l, 1999, docket number 98-9358; and in doing so, reversed their own earlier acknowledgement, that there was an exception to the ADA not being retroactive. Note Exhibit C, pages App. l4 through App.16 for details.

> The "Howie" case, docket number 96-9008, November 21, 1997, where the Second Circuit Court of Appeals acknowledged the exception to the ADA retroactivity.

Exhibit D, pages App. l7 and 18, clearly indicate that no appeal judge ruled on the "unresolved issue."

Exhibit E, pages App. 19 and 20, again demonstrated that no appeal judge ruled on the "unresolved issue."

JURISDICTION

The United States Supreme Court has jurisdiction of this action based upon 28 U.S.C. Section 1257(a). Petitioner seeks review of the judgment of the United States Second Circuit Court of Appeals; as due process was denied under the First and Fourteenth Amendment to the United States Constitution.

CONSTITUTIONAL PROVISIONS

U.S. CONSTITUTION, Amendment I:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONSTITUTION, Amendment XIV:

> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Plaintiff-appellant, a retired Fire Department New York Captain, seeks the "for service" retirement option and not the ordinary disability retirement.

Plaintiff-appellant had applied for an accidental (line-of-duty) disability retirement because of a hearing disability.

Defendant-appellee did not inform plaintiff at application, that there would be no line-of -duty disability with a cumulative hearing loss disability. There was no informing plaintiff that there would be no option given. There was no informing plaintiff that a considerable amount of overtime already worked would be lost by the time of filing and the retirement date, because of the disability light-duty status. There was no final twelve months of overtime credited towards final compensation.

The defendant-appellee's argument, that the ordinary (non-line-of-duty) disability retirement was far superior to the "for service" retirement, is completely incorrect; because, the overtime factor was not even considered by the defendant-appellee. And to justify their allegation, that it was therefore not necessary to inform the person with a disability, because it was a better deal. The defendant-appellee's policy was well documented by their own expert witness, Deputy Commissioner of Legal Affairs, David Clinton.

REASONS FOR GRANTING THE WRIT

The Petition for Writ of Certiorari should be granted because, petitioner was denied the constitutional guarantee of equal portection under the law.

The District Court had rendered its decision based on the alleged false retirement date by plaintiff. Plaintiff was not even given any opp-ortunity to answer such a serious charge. The Court's decision was not based on any factual evidence, but rather on a presumed conclusion drawn from a questionnaire that plaintiff filed in the District Court in 1995. There was no retirement date asked for. The September 15, 1992 date mentioned in the plaintiff's answers; was the date that a complaint was filed with the EEOC, to indicate the on-going nature of the discrimination; and to indicate the date of the first complaint with the governing agency for the ADA Laws.

The ruling made by the Second Circuit Court of Appeals, was apparently made with the District Court's determination of the facts. There was no attempt to consider the unresolved issue of retroactivity.

CONCLUSION

Due process and petitioner's constitutional guarantee of equal protection under the law was not given, when there was no opportunity given to respond to the allegation of giving a false retirement date. Such charge was never stated prior to the District Court's Memorandum Opinion of September 18, 1998. It was only stated in the Memorandum Opinion, which decision was made without plaintiff's right to respond.

There is no equal protection when plaintiff's facts and evidence are ignored.

This Court should grant the Petition For Writ Of Certiorari when equal treatment under the law is absent.

DATED:----------

Respectfully submitted,

Serafino F. Velardi
Petitioner, Pro se
315 S.E. Oakridge Drive
Port St. Lucie, Fl. 34984
Tel# 561-340-4860

App. 1
EXHIBIT A

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER
THIS SUNMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held in the United States Courthouse, Foley Square, in the City of New York, on the 21st day of Nember, one thoussand nine hundred and ninety-seven.

PRESENT: Hon. James L. Oakes, Hon. John M. Walker, Jr., Hon. Fred I. Parker,

Circuit Judges.

- -

App. 2

EDWARD J. HOWIE,

Plaintiff-Appellant,

v.

No. 96-9008

CITY OF NEW YORK, ARTICLE II, PENSION BOARD MEMBERS OF THE NEW YORK CITY POLICE DEPARTMENT, SERGEANT'S BENEVOLENT ASSOCATION OF THE CITY OF NEW YORK.

Defendants-Appellees.

- -

AL COLLURA, JR., RAYMOND J. LEWIS

Plaintiffs-Appellants,

v. Nos. 96-9744(L) 96-7947(Con)

THE POLICE DEPARTMENT OF THE CITY OF NEW YORK, ARTICLE II, PENSION BOARD MEMBERS OF THE CITY OF NEW YORK POLICE DEPARTMENT, PATROLMAN'S BENEVOLENT ASSOCIATION,

Defendants-Appellees.

- -

WAYNE VAHLDIECH,
Plaintiff-Appellant,
v. No. 96-9179

NEW YORK CITY POLICE PENSION FUND,
Defendant-Appellee.

PATRICK W. MCQUADE,
Plaintiff-Appellant,
v. No. 96-9046

NEW YORK CITY POLICE PENSION FUND,
ET AL.
Defendants-Appellees.

PATRICT WILLIAM MCQUADE,

Plaintiff-Appellant,
v. No. 96-9048

NEW YORK CITY POLICE PENSION FUND,
ET AL.

Defendants-Appellees.

APPEARING FOR PLAINTIFF- Edward J. Howie, Pre Se, APPELLANT (No. 96-9008): Port Orange, Florida

APPEARING FOR PLAINTIFFS Ronald Podolsky, APPELLANTS (Nos. 96-7944, Hauppauge, New York 96-9747, 96-9046, 96-9048):

APPEARING FOR PLAINTIFF-Wayne Vahldieck, Pro Se, APPELLANT (No. 96-9179): Massapequa, New York

APPEARING FOR DEFENDANTS- James Dwyer, Assistant APPELLEES (Nos.96-9008, Corporation Counsel of the City of 96-7944, 96-7974, 96-9179, New York, New York, New York 96-9046, 96-9048):

Appeal from the United States District Court for the Southern District of New York (Nos.96-9008, 96-7944, 96-7947, 96-9046, 96-9048) and for the Eastern District of New York (No. 96-9179).

This case came on to be heard on the transcript of record from the United States District Court for the Southern District of New York (Duffy, J.) (Nos. 96-9008, 96-7944, 96-7947, 96-9046, 96-9048) and for Eastern District of New York (Johnson, J.)(No. 96-9179), and was argued, with the exception of plaintiff-appellant Edward J. Howie, who submitted.

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgments of both district courts be and they hereby are affirmed.

Plaintiffs-appellants Edward J. Howie ("Howie"), Al Collura, Jr.("Collura"), Raymond J. Lewis ("Lewis"), Patrict W. McQuade (W. McQuade"), and Patrict William McQuade ("William McQuade"), appeal from the July 17, 1996 judgment of the Southern District granting, pursuant to Fed. R. Civ. P. 12(b)(6), defendants-appellees' motion to dismiss appellants' complaint under the American With Disabilities Act, 42 U.S.C. & l2101 et seq. ("ADA"). Plaintiff-appellent Wayne Vahlidieck ("Vahldieck") appeals from the July 31, 1996 judgment of the Eastern District granting, pursuant to Fed. R. Civ. P. 12(b)(6), defendants-appellees motion to dismiss Vahldieck's complaint under the ADA.

Howie, a former sergeant with the New York City Police Department ("NYPD"), alleges that after over twenty years of service with the NYPD, he was "forced" in 1983 to receive a disability retirement rather than the more lucrative "for service" retirement offered to similarly situated, non-disabled twenty-year retirees. Collura alleges that, at his retirement in February 19, 1973, he received no "for service" benefits on his disability pension. Lewis alleges that, at his retirement on October 13, 1978 following a spine injury, he received no "for service"benefits on his disability pension.

W. McQuade alleges that, at his retirement as a police detective on January 12, 1982, he received no "for service" benefits on his disability pension. William McQuade alleges that, at his retirement as a police officer on October 10, 1990, he received no "for service" benefits on his disability pension. Vahldieck allages that he was forced by the NYPD to retire in August 11, 1980 as a result of a disability.

Howie, Collura, Lewis, W. McQuade, William McQuade, and Vahldieck all retired prior to July 26, 1992, the effective date of the ADA ("effective date"), and all six allege discriminatory acts by defendants-appellees (i.e. discriminatory discharge and forced retirement with disability) that also predate the effective date. Because the ADA is not retroactive, all plaintiffs-appellants' ADA claims must therefore fail. See Smith v. UPS, Inc. , 65 F.3d 266,266 (2d Cir. 1995). Plaintiffs-appellants do not allege any district discrimatory acts by defendants-appellees that post-date July 26, 1992, such as the withholding of "for service" benefits that had been offered to them pre-effective date. We do not therefore address the perhaps unresolved issue of whether the ADA time-bars claims of pension or benefit discrimination that occur post-effective date, where the plaintiffs retired pre-effective date.

We have carefully considered appellants' remaining arguments and find them to be without merit. Accordingly, we affirm the judgments of the district courts.

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- -

SERAFINO F. VELARDI,

Plaintiff, 95 Civ. 4548(LAK)

- against -

NEW YORK CITY FIRE DEPARTMENT PENSION FUND,

Defendant.

- -

MEMORANDUM OPINION

Appearances:
Serafino F. Velardi
Plaintiff, Pro se

Susan Sanders
Anshel David
Assistant Corporation Counsel
MICHAEL D. HESS
CORPORATION COUNSEL OF THE CITY OF NEW YORK

LEWIS A. KAPLAN, District Judge.

Plaintiff claims that he was forced to retire on disability from the New York City Fire Department, that he was not then advised of is ability to retire "for service," and that he therefore was a victim of discrimination on the basis of his disability. As it now is clear that the events of which plaintiff complains occurred long before the enactment of the Americans With Disabilities Act of 1990 ("ADA"),1 the defendant's motion for summary judgment dismissing the complaint is granted.

Facts and Prior Proceedings

Plaintiff filed his pro se complaint in this action in 1995. He claims that he was discriminated against on the basis of disability in that his pension "is less than (for) service retirement pension(s)" afforded to others with 20 or more years of service. Specifically, he asserts that "(s)ervice retirees receive an additional benefit besides their regular pension, whereas, a disability retiree is denied that additional benefit even if he served 20 or more years of service before sustaining a disability."2 The complaint alleges "that the alleged discriminatory acts occurred on: September 15, 1992." 3

1 42 U.S.C. & 12101 et seq.

2 Cpt // 4, 7, 8.

3 Id / 5.

The defendant moved to dismiss the complaint. The motion was heard together with a motion in another case that raised the issue whether the defendant's making of certain payments to "for serice" retirees that were not made to disability retirees violated the ADA. While it seemed at first blush that plaintiff's claim differed from those of the plaintiffs in the other case in that he appeared to contend that he was forced to take an inferior disability pension rather than being permitted to retire "for service," plaintiff made clear at oral argument that he was not misled concerning his option to retire "for service." Rather, he claimed that he simply was ignorant of his option to retire "for service." Accordingly, this Court concluded that plaintiff's position was no different than that of the plaintiffs in the other case and dismissed both. 4

Plaintiff's in both cases appealed, and the appeals were consolidated for argument with other related cases. The Court of Appeals, among other things, upheld this Court's basic ruling that there was no ADA violation by virtue of the additional payments to "for service" retirees where similarly situated employees were free to choose whether to retire on disability or "for service." 5 It vacated the dismissal as to this plaintiff; however, on the ground that a failure to inform plaintiff of his right to retire "for service" would be sufficient an ADA claim. 6

The matter then returned to this Court, the defendant investigated the particulars of plaintiff's situation, plaintiff was deposed, and the facts turned out to be rather different from what plaintiff alleged in the complaint. Most importantly, whereas the complaint asserted that the discriminatory act complained of occurred on September 15, 1992, the truth is that plaintiff retired on ordinary disability on December 20, 1975. While defendant contends that the record shows also that plaintiff was fully aware of his right "for service" and voluntarily chose the disability option, there is no need to go into those matters.

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4 Graboski v. Guiliani, 937 F. Supp. 258 (S.D.-N.Y. 1996), aff'd in part, rev'd in part sub non. Castellano v. City of New York, 142 F. 3d 58(2d Cir.), pets. for cert. filed, 66 U.S.L.W. 3790 (May 27, 1998) (No.97-1961), 67 U.S.L.W. 3001 (June 18, 1998) (No. 97-2050).

5 Castellano, 142 F.3d at 71.

6 Id. at 72

DISCUSSION

The ADA was enacted on July 26, 1990 and became effective in 1992. It is not retroactive, and it does not apply to actions taken prior to its effective date.7 Here, plaintiff retired nearly seventeen years prior to the effective date of the statute. Even if he was "forced." by lack of adequate information concerning his retirement options, to retire on ordinary disability rather than on the allegedly more advantageous "for service" basis, the defendant's action simply was not covered by the ADA.

Plaintiff makes essentially three responses to this point. He asserts that "for the Defendant to raise such a defense when no such defense was raised before in the instant case, is completely unacceptable."8 He points to New York state authorities holding that a denial of disability benefits "is of a 'continuing nature.'" 9 And he contends that the Court of Appeals' statement on the prior appeal that a failure to inform plaintiff of his rights "would be sufficient to establish Velardi's Title l ADA claim" is conclusive.10 None has merit.

7 104 Stat. 327,337 (private employers), 338 (public entities) (1990); Smith v. United Parcel Serv. of Am., Inc. 65 F. 3d 266 (2d Cir. 1995); O'Bryant v. City of Maryland, 9 F. 3d 421, 422 (5th Cir. 1993).

8 Notice of response to defendant's dispositive motion, at 4. 9 Id. at 5-6. l0 Id. at 7.

First, there was nothing "unaccepable" in the defendant's prior failure to raise the point upon which it now relies. Plaintiff's complaint falsely stated that the alleged discriminatory act occurred on September 15, 1992. 11 When defendant discovered following the remand by the Court of Appeals that plaintiff in fact was complaining of events that had occurred seventeen years earlier, it properly exercised it rights.

Second, the continuing violations doctrine, to which plaintiff presumably refers, has no bearing here. While the commission of a discriminatory act within the limitations period, in limited circumstances, may permit an employment discrimination plaintiff to obtain relief with respect to events for which relief otherwise would be barred by the statute of limitations,12 there is not a scrap of support for the suggestion that an act lawful when committed may be rendered unlawful by the subsequent passage of legislation which proscribes such acts prospectively.

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11 Cpt. // 5.

12 See e.g., Johnson v. Nyack Hosp. 891 F. Supp. 155, 162-66 (S.D.N.Y. 1995), aff'd on other grounds, 96 F. 3d 8 (2d Cir.1996).

Finally, the Court of Appeals' statement on the prior appeal obviously must be considered in light of the facts that (a) plaintiff had alleged that the discriminatory acts complained of occurred on September 15, 1992, after the effective date of the ADA, and (b) in consequence, no issue as to the applicability of the statute to events prior to its effective date was presented. As a result of the complaint, everyone assumed that plaintiff's grievance related to events that were subject to the statute.

CONCLUSION

For the foregoing reasons, defendant's motion for summary judgment dismissing the complaint is granted.

SO ORDERED.

Dated: September 18, 1998

"s/ Lewis A. Kaplan"
LEWIS A. KAPLAN
United States District Judge

EXHIBIT C
UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the lst day of June one thousand nine hundred and ninety-nine.

PRESENT: HONORABLE JAMES L. OAKES,
HONORABLE FRED I. PARKER,
HONORABLE SONIA SOTOMAYOR,
CIRCUIT JUDGES.

SDNY
95-Cv- 4548 (SEAL) UNITED STATES
Kaplan COURT OF APPEALS
Katz SECOND CIRCUIT
June – 1999 Karen Greve Milton Acting Clerk

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SERAFINO F. VELARDI,
Plaintiff-Appellant,

v. No. 98- 9358

N.Y.C. FIRE DEPARTMENT PENSION FUND,
Defendant-Appellee.

---------- x

APPEARING FOR APPELLANT: Serafino F. Velardi, pro se
Port St. Lucie, Florida

APPEARING FOR APPELLEE: Charles L. Finke, Esq., Michael D. Hess, Corporation Counsel of the City of New York
Francis F. Caputo, George Gutwirth of Counsel New York, NY

Appeal from the United States District Court for the Southern District of New York (Lewis A. Kaplan, Judge).

Velardi v. NYC Fire Dept.,
No. 98-9358

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of said District Court be and hereby

is AFFIRMED.

Appellant sued under the Americans With Disabilities Act, 42 U.S.C. & 12101-213 (l990). After granting the appellee's motion for summary judgment, Judge Kaplan dismissed the complaint. This appeal followed.

The Americans with Disabilities Act was enacted in 1990 and became effective on July 26, 1992, Pub. L. No. 101-336 & 108, 104 Stat. 327, 337 (1990). The Act does not apply retroactively to acts taken before its effective date. See Smith v. United Parcel Service, 65 F. 3d 266 (2d Cir.1995). Velardi's retirement, the circumstances of which form the bases of this action, occurred in 1975, well before the effective date of the ADA. Therefore, the ADA does not apply to the present action.

For the reasons set forth above, the judgment of the district court is hereby AFFIRMED.

FOR THE COURT:
"s/ Lucille Carr
LUCILLE CARR
Karen Greve Milton, Acting Clerk
by: Lucille Carr, Deputy Clerk

EXHIBIT D

UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT
UNITED STATES COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

KAREN GREVE MILTON
ACTING CLERK

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 23rd day of July one thousand nine hundred and ninety-nine.

Present: (SEAL)
Hon. JAMES L. OAKES, (UNITED STATES)
Hon. FRED I. PARKER, (COURT OF APPEALS)
Hon. SONIA SOTOMAYOR, (SECOND CIRCUIT)
CIRCUIT JUDGES, (KAREN GREVE)
(MILTON Acting Clerk)

Velardi,
Plaintiff-Appellant, Docket No. 98-9358
v.
N.Y.C. Fire Dept.,
Defendant-Appellee.

A petition for panel rehearing having been filed herein by Serafino F. Velardi,

Upon consideration thereof, it is ordered that said petition be and it hereby is DENIED.

FOR THE COURT
KAREN GREVE MILTON, Acting Clerk

By: "s/ Beth J. Meador,"
BETH J. MEADOR,
Administrative Attorney

EXHIBIT E

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
UNITED STATES COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

KAREN GREVE MILTON
ACTING CLERK

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 26th day of January two thousand.

Velardi v. N.Y.C. Fire Dept.

Dkt No: 98-9358

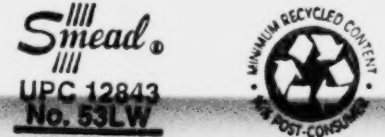
(SEAL) UNITED STATES COURT OF APPEALS SECOND CIRCUIT JAN 26 2000
Karen Greve Milton, Acting Clerk

A petition for rehearing en banc having been filed herein by the appellant pro se Serafino F. Velardi,
Upon consideration thereof, it is
Ordered that said petition for rehearing en banc has been transmitted to the judges for the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

FOR THE COURT

KAREN GREVE MILTON, Acting Clerk

By: "ss/ Beth J. Meador,
BETH J. MEADOR
Administrative Attorney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